

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RECEIVED
SDNY PRO SE OFFICE
2016 JUL -6 AM 9:17

Anthony J. Madera

16CV5365

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

New York Police Department, 44th
Precinct
Harry Arocho
Stanley Schiffman
Alex Yung

COMPLAINT

under the
Civil Rights Act, 42 U.S.C. § 1983
(Prisoner Complaint)

Jury Trial: ☐ Yes ☒ No
(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff

Name Anthony J. Madera

ID # 14-A-4297

Current Institution Mohawk Correctional Facility

Address 6514 Rt. 26, PO Box 8450
Rome, New York 13442

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1

Name New York Police Dept. 44th Precinct Shield # N/A
Where Currently Employed N/A
Address 169th Street
Bronx, New York 10456

Defendant No. 2

Name Harry Arocho Shield # 24345
Where Currently Employed New York Police Department
Address 169th Street
Bronx, New York 10456

Defendant No. 3

Name Stanley Schiffman Shield # 00282
Where Currently Employed New York County District Atty. Office
Address _____
Bronx, New York 10456

Defendant No. 4

Name Alex Yung Shield # 20484
Where Currently Employed New York Police Department
Address 169th Street
Bronx, New York 10456

Defendant No. 5

Name _____ Shield # _____
Where Currently Employed _____
Address _____

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur? At 1069 Grant Ave. Apt 4 Bronx, New York. The apartment of Marvin Green.

B. Where in the institution did the events giving rise to your claim(s) occur? I was in the living room of the apartment mentioned above.

C. What date and approximate time did the events giving rise to your claim(s) occur? Events occurred July 21st, 2014 at approximately 8:05 PM.

D. Facts: See Attached Sheets.

What
happened
to you?

Who did
what?

Was
anyone
else
involved?

Who else
saw what
happened?

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. I received injuries to the bone that connects my upper gum to the bottom of my nose. I was treated at Bronx-Lebanon hospital for injuries. They gave me astetic and Stitches in the injured area upon a minor Surgery to repair the damage.

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ☐ No ☒

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

N/A

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ____ No ____ Do Not Know ____

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ____ No ____ Do Not Know ____

If YES, which claim(s)?

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes ____ No ____

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ____ No ____

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

1. Which claim(s) in this complaint did you grieve?

2. What was the result, if any?

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

N/A

2. If you did not file a grievance but informed any officials of your claim, state who you

informed, when and how, and their response, if any:

N/A

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

N/A

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). I am seeking monetary compensation in the amount of \$500,000. The basis for this is the Police brutality that I suffered in the hands of the NYPD and the three men listed in this claim. I also suffer from emotional stress from this because my rights were violated and I still have very limited recollection from what happened when I was knocked out until I woke up.

On
these
claims

VI. Previous lawsuits:

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ___ No ☒

B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff N/A

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case N/A

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes ___ No ___

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

N/A

On
other
claims

C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes ___ No ☒

D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff N/A

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case N/A

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes ___ No ___

If NO, give the approximate date of disposition N/A

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?)

N/A

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 29 day of June, 2016

Signature of Plaintiff

Anthony Madern

Inmate Number

14-A-4297

Institution Address

Mohawk Correctional Facility

6514 Rt. 26

PO Box 8450

Rome, New York 13442

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 29 day of June, 2016 I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

Anthony Madern

I, Anthony J. Madera, am the Plaintiff Pro-se and I make this sworn affidavit as follows:

On July 21st, 2014 at approximately 8:05 PM, the New York Police Department knocked down the door at the residence of Marvin Green, located at 1069 Grant Avenue, Apt. 4, Bronx, New York 10456. Upon the commencement of the search, I was ordered to get on my knees, in which I complied. Upon my compliance, I was kicked in the face and was subsequently knocked out unconscious. Once I was awakened, I was in handcuffs and in a puddle of my own blood. I sustained injuries to my face. At this time, I was in custody, however I was never read my Miranda rights. Still haven't read my Miranda rights, I was ordered to answer a question of what room my belongings were in? I replied stating "one next to the bathroom." Oneida Riddick, who resided in the above address, was my girlfriend at the time of the search.

The ambulance took me to Bronx-Lebanon Hospital to look at the injuries sustained. Two doctors did minor surgery to repair the injuries to the upper gum bone that connects my nose to mouth. They also did a CT Scan to see if I sustained any other injuries. No other injuries were reported. After the hospital, I was taken to Court for arraignment.

While I was at the hospital, Internal Affairs came to see me. Internal Affairs took a statement

from me while locked up in Rikers Island. Internal Affairs spoke to my defense attorney Mr. Solomon, who put in a claim on my behalf. The statement that was taken was recorded.

The Inspector General also came in and spoke to me regarding the incident and indicated to me that "It was a bullshit warrant." I know my US Constitutional rights were violated.

There was no search warrant presented to me, which led to believe that the warrant was for Marvin Green. This led to a fourth Amendment violation. The NYPD also violated my Eighth Amendment right to be free from cruel and unusual punishment. For these stated reasons plus the fact that I suffered emotional stress when I have very limited recollection of what happened when I was knocked out until I was awakened, I am seeking award for damages. I ask this because they took advantage of the opportunity while breaking the freedoms that are guaranteed to us in the U.S. Constitution.

For these stated reasons, I ask the Court to grant this petition.

I, Anthony J. Madera, am the Plaintiff Pro-se and I make this Sworn affidavit as follows:

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Southern District of New York
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New York, New York 10007

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